

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

JOHNNY RUSSELL JOHANSSON

VS.

CIVIL ACTION NO. 5:15cv71-KS-MTP

RON KING

ORDER

This cause came on to be heard on the Report and Recommendation [4] of the United States Magistrate Judge entered herein on November 19, 2015, after referral of hearing by this Court. An Objection [6] was filed by Johnny Russell Johansson. Johansson also filed Motion for Post-Conviction Collateral Relief [5]. The Court has reviewed the Report and Recommendation and Objection, as well as the record in this matter and finds that the Objection totally fails to address any portion of the Report and Recommendation and is, in essence, a request for a trial. The Court finds that the Objection lacks merit and the Report and Recommendation [4] remains unchallenged by the Plaintiff. The Court further finds that the Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation be, and the same hereby is, adopted as the finding of this Court and the Complaint is hereby **dismissed** without prejudice for failure to exhaust. A separate Judgment will be entered herein in accordance with this Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this the 16<sup>th</sup> day of December, 2015.

*s/Keith Starrett*  
UNITED STATES DISTRICT JUDGE